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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID J. LEE, and DANIEL R. LLOYD,  
as individuals and, on behalf of others  
similarly situated,

Plaintiffs,

vs.

AMERICAN EXPRESS TRAVEL  
RELATED SERVICES, INC., a New York  
corporation, AMERICAN EXPRESS  
CENTURION BANK, a Utah corporation,  
AMERICAN EXPRESS BANK, FSB, a  
Utah corporation, and DOES 1, through  
100, inclusive,

Defendants.

Case No.: C-07-4765 CRB

PLAINTIFFS' PROPOSED [ORDER]  
RE: DEFENDANTS AMERICAN  
EXPRESS BANK TRAVEL RELATED  
SERVICES COMPANY, INC., AND  
AMERICAN EXPRESS CENTURION  
BANK'S MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT, PURSUANT  
TO FED.R.CIV.P. 12(b)(6)

David Lee, et al. vs. American Express Travel Related Services, Inc., et al.

Plaintiffs' Proposed [Order] Re: Defendants American Express Bank Travel Related Services Company, Inc., and American Express Centurion Bank's Motion to Dismiss Plaintiffs' Complaint, Pursuant to Fed.R.Civ.P. 12(B)(6)

1 The motion of Defendants, American Express Travel Related Services Company, Inc.,  
2 and American Express Centurion Bank, came on for hearing before this Court Friday,  
3 November 30, 2007. Matthew Hale, Esq. appeared on behalf of Plaintiffs David J. Lee, and  
4 Daniel R. Lloyd. Stephen J. Newman appeared on behalf of Defendants, American Express  
5 Travel Related Services Company, Inc., and American Express Centurion Bank  
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7 After considering the written submissions and the arguments of counsel, and all other  
8 matters presented to the Court, IT IS HEREBY ORDERED that the Defendants' Motion is  
9 DENIED. The Court rules as follows:  
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- 11 1. Plaintiffs have standing to maintain the action and its various causes of action;
- 12 2. Plaintiffs' claims concerning their charge, credit, gift, and dining cards fall within the  
13 coverage of the California Consumer Legal Remedies Act ("CLRA"), California Civil  
14 Code § 1750 et seq.;
- 15 3. The Complaint meets the specificity requirements of Fed.R.Civ.P. 9(b);
- 16 4. No causes of action are barred by the relevant statute of limitations as to Plaintiffs'  
17 claims.  
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20 DATED: November \_\_\_, 2007  
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24 By: \_\_\_\_\_  
25 Honorable Charles R. Breyer  
26 U.S. District Court Judge  
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